

² Appellant originally filed an occupational disease claim on February 11, 2019, but at an oral hearing held on September 4, 2019 she clarified that she sustained a new traumatic injury on February 8, 2019.

By decision dated May 16, 2019, OWCP denied this claim finding that she had not established the factual component and therefore the requirements had not been met to establish an injury as defined by FECA. On May 29, 2019 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated October 23, 2019, OWCP's hearing representative affirmed the denial of the February 8, 2019 claim with modification noting that appellant had previously filed a series of claims for left shoulder injuries. The hearing representative indicated that OWCP File Nos. xxxxxx948, xxxxxx550, xxxxxx521, and xxxxxx299 should be administratively combined.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issue(s) depends on frequent cross-referencing between files.³ For example, if a new injury is reported for an employee who previously filed a claim for a similar condition or the same part of the body, doubling is required.⁴ OWCP's hearing representative indicated in the October 23, 2019 decision in the current file, OWCP File No. xxxxxx948, that she reviewed OWCP File No. xxxxxx550 in which appellant claimed a left shoulder injury, OWCP File No. xxxxxx521 which appellant claimed a left shoulder sprain, and OWCP File No. xxxxxx299 in which appellant claimed a traumatic shoulder injury on May 19, 2016 in reaching her decision and recommending that the claims be combined. However, the claims were not combined at the time of the hearing and have yet to be combined. Therefore, the Board is unable to review the necessary information upon which the hearing representative relied.⁵

For a full and fair adjudication, the case must be returned to OWCP to administratively combine File Nos. Nos. xxxxxx948, xxxxxx550, xxxxxx521, and xxxxxx299. Following this and such further development as it deems necessary, OWCP shall issue a *de novo* decision. Accordingly,

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000); *R.S.*, Docket No. 19-0416 (issued November 26, 2019).

⁴ *Id.*; *E.P.*, Docket No. 18-1333 (issued March 22, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

⁵ Decisions on claims are based on the written record, which may include forms, reports, letters, and other evidence of various types such as photographs, videotapes or drawings. Evidence may not be incorporated by reference, nor may evidence from another individual's case file be used. Evidence contained in another of the claimant's case file(s) may be used, but a copy of that evidence should be placed into the case file being adjudicated. All evidence that forms the basis of a decision must be in that claimant's case record. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.5a (June 2011).

IT IS HEREBY ORDERED THAT the October 23, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: August 4, 2020
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Christopher J. Godfrey, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board